



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

June 1, 2007

[Assessee]
[Mailing Address]
[Mailing City], [State] [Zip]

Dear [Assessee]:

STATUS OF ENFORCEMENT OF SEPTIC SYSTEM DISCHARGE PROHIBITION, [SITE ADDRESS], LOS OSOS/BAYWOOD PARK, SAN LUIS OBISPO COUNTY

On March 21, 2007, we sent a [letter](#) notifying you that your septic system discharge violates State law. In that letter, we said that we were exploring potential enforcement alternatives and would notify you of the enforcement process in the coming months. This letter is a follow-up to our March 21st letter and explains the current status of enforcement.

At its May 10, 2007 meeting, the [Central Coast Regional Water Quality Control Board](#) (Water Board) heard the Prosecution Team's recommendations and public and agency comments regarding potential enforcement actions against individuals in the [Los Osos/Baywood Park septic system prohibition zone](#). Most public comments centered around the community's support for the [County of San Luis Obispo's](#) progress on a community wastewater collection and treatment system that would eliminate illegal discharges and improve water quality and protect public health. Some commented that the community should have some breathing room at this time to be able to focus on supporting the County project, rather than reacting to continued enforcement actions.

In fact, the County itself, through its [May 3, 2007 letter from the Board of Supervisors](#), requested that the Water Board hold off on enforcement action for now due to the County's commitment "to help resolve the wastewater dilemma in Los Osos." The County said its efforts under the authority of [Assembly Bill 2701](#) provide the best opportunity for resolving the Los Osos wastewater problem. The County said it was "increasingly hopeful that the community and the property owners recognize that this final opportunity for a local agency solution will prevail and that State enforcement and/or implementation actions can be prevented."

The Water Board did not take any formal action at the May 10th meeting and made it clear that the Prosecution Team must decide whether and when to pursue additional enforcement actions. However, Water Board members discussed the County's recent

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progress toward getting a community wastewater collection and treatment system built, and some members expressed interest in holding off on immediate enforcement actions. Board members cautioned that failure of the County process would most likely lead to continued enforcement. Board members supported the Prosecution Team's plan to treat everyone in the Prohibition Zone equally with any future enforcement action, and suggested a penalty cap in any future enforcement orders. Board members asked that County representatives attend the Board's July meeting to answer their questions, and accepted the County's offer to make a full project presentation at the Board's September meeting.

After considering the County's request and its continued commitment to the AB 2701 process, the Prosecution Team has decided not to initiate further enforcement actions at this time. The Prosecution Team is hopeful that the County's efforts will bring about a practical and timely solution to the illegal septic system discharges in the Prohibition Zone.

While the Prosecution Team is deferring to the County's request at this time, please be advised that all discharges from septic systems within the Los Osos/Baywood Park Prohibition Zone have been and are still illegal, and you are exposed to accumulation of daily penalties while such discharges continue. If the County's efforts to develop a community wastewater treatment and collection system are not successful, then you face the prospect of enforcement actions, such as the cease and desist orders described in our March 21, 2007 Notice of Violation, or the cleanup and abatement orders described in our [staff report for the May 10, 2007 Water Board meeting](#). Again, we are hopeful that the County will successfully deliver a project that will eliminate the illegal septic system discharges and avert further enforcement action.

If you are interested in the documents related to the Prohibition Zone and individual enforcement action, you may review them at the letterhead address during normal business hours, or online at: www.waterboards.ca.gov/centralcoast/. If you have questions, you may contact Matt Thompson of the Prosecution Team at (805) 549-3159, or by email at mthompson@waterboards.ca.gov.

Sincerely,



Harvey C. Packard
Prosecution Team Lead

